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Senate Bill _____
By _____

House No. HB0968
By Odom

AN ACT to amend Tennessee Code Annotated, Title 57, Chapter 3 by authorizing the Alcoholic Beverage Commission to issue employee and server permits; Section 57-3-203; Section 57-3-204; Section 57-4-203(h) and Section 57-5-105 and 57-5-106, relative to the training of employees involved in the sale and distribution of alcoholic beverages and the permits issued to them.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE.

SECTION ONE: Tennessee Code Annotated, Title 57, Chapter 3 is amended by adding the following new Part 7:

Part 7 - Employee, Sales Person and Server Permits

SECTION 701. This law shall be known as the Alcohol Server Responsibility and Training Act of 1995.

SECTION 702. The Commission shall be authorized to issue employee permits pursuant to §§ 57-3-203(d), 57-3-203(c), 57- 3-204(c) and server permits pursuant to § 57-4-204(h) in accordance with the requirements herein.

SECTION 703. Any individual may be eligible for an employee permit by completing an application for such permit on the forms provided by the Commission. The applicant for employee permit must demonstrate to the Commission that the applicant meets the following requirements:

1. The applicant shall not have been convicted of any felony within the previous five years.

2. The applicant shall not have been convicted of any crime involving the sale or distribution of alcohol within the previous eight years.

3. The applicant shall not have had an employee or server permit or similar permit issued in a foreign jurisdiction revoked by any issuing authority within the previous three years.

4. The applicant shall not have had any ownership interest in any licensee or permittee, licensed pursuant to §§ 57-3-203, 57-3-204, 57-4-101, 57-5-103 which has had its license or permit revoked by the issuing authority within the previous eight years.

5. The applicant shall have successfully completed a program of alcohol awareness training by an entity certified by the Commission to have an adequate training curriculum within one year of initial application.

6. The applicant shall be at least 18 years of age.

SECTION 704. Any individual may be eligible for a server permit by completing an application for such permit on the forms provided by the Commission. An applicant for a server permit must demonstrate to the Commission that the applicant meets the following requirements:

1. The applicant shall not have been convicted of any felony within the previous four years.

2. The applicant shall not have been convicted of any crime relating to the sale of alcoholic beverages, beer, class 1 and 2 controlled substances or any sex related crime or embezzlement within the previous eight years.

3. The applicant shall not have had an employee or server permit or similar permit issued in a foreign jurisdiction revoked by any issuing authority within the previous five years.

4. The applicant shall not have had any ownership interest in any licensee or permittee, licensed or permitted pursuant to §§ 57-3-203, 57-3-204, 57-4-101 or 57-5-103 which has had its license or permit revoked by the issuing authority within the previous eight years.

5. Within one year of the application the applicant shall have successfully completed a program of alcohol awareness training for persons involved in the direct service of alcohol, wine or beer by an entity certified by the Commission to have an adequate training curriculum for alcohol awareness.

6. The applicant shall be at least eighteen years of age.

SECTION 705. The Commission shall certify any organization or entity seeking to provide alcohol awareness training for employees or servers or both upon adequate demonstration to the Commission that the curriculum, faculty, materials and facilities of the organization or entity meet such minimum standards as shall be fixed by the Commission. The Commission shall be authorized to review the adequacy of the curriculum, faculty, materials and facilities of any certified trainer at any time. Failure of any certified trainer to maintain adequate records, respond to a request for information from the Commission, or fail to meet the minimum standards prescribed by the Commission shall be grounds to decertify the organization or entity.

SECTION 706. The Commission may conduct a criminal record review of any applicant for an employee or server permit to insure the applicant's compliance with the requirements of this part. The Commission shall employ the best available means to conduct this investigation.

SECTION 707. The Commission may issue a temporary employee or server permit to an applicant, which temporary permit shall not exceed thirty days, upon the filing of a completed application, submitted under penalty of perjury, establishing that the applicant meets the requirements imposed by this part. No licensee shall be liable for a violation of this title involving the employment of a person who fails to meet the requirements for employment, if that person has been issued a temporary employee or server permit by the Commission.

SECTION 708. Each employee and server permit shall be valid for three (3) years. Applications for renewal shall be made in the same manner as applications for original permits upon forms prescribed by the Commission. Employee and server permits shall not be transferrable.

SECTION 709. The Commission is authorized to promulgate appropriate rules to implement this part.

SECTION TWO: Tennessee Code Annotated, § 57-3-203(d) is amended by deleting the second sentence of that subsection.

SECTION THREE: Tennessee Code Annotated, § 57-3-203(e) is amended by deleting the last sentence in that subsection.

SECTION FOUR: Tennessee Code Annotated, § 57-3-204(c) is amended by deleting the last sentence in that subsection.

SECTION FIVE: Tennessee Code Annotated, § 57-3-204 is amended by deleting subsection (d) in its entirety and redesignating the subsequent subsections accordingly.

SECTION SIX: Tennessee Code Annotated, § 57-4-203(h) is amended by deleting that subsection in its entirety and inserting in lieu thereof the following:

"(h) RESTRICTIONS ON EMPLOYMENT. No entity holding a license issued pursuant to § 57-4-101 shall employ any person in the serving of beer, wine or other alcoholic beverages who does not possess a servers permit from the Commission. It is

made the duty of the licensee to see that each person dispensing or serving alcoholic beverages, wine or beer in the licensee's establishment possesses such a permit, which permit must be on the person of such employee or on the premises of the licensed establishment and subject to inspection by the Commission or its duly authorized agent when the employee is engaged in the performance of that employees duties for the licensee."

SECTION SEVEN. Tennessee Code Annotated, § 57-5-105 is amended by adding thereto the following new subsection:

"(j) No county legislative body may impose any permit requirements on any person employed by a permittee to sell or distribute beer if that person is possessed of a server permit issued by the Alcoholic Beverage Commission pursuant to Part 7 of Chapter 3 of this title."

SECTION EIGHT. Tennessee Code Annotated, § 57-5-106 is amended by adding to subsection (a) the following:

"The ordinance power granted to a municipality by this Section does not permit a municipality to impose training or certification restrictions or requirements on employees of a permittee if those employees possess a server permit issued by the Alcoholic Beverage Commission pursuant to Part 7 of Chapter 3 of this title."

SECTION NINE. This law shall become effective on July 1, 1995, the public welfare requiring it; provided, however, persons holding a valid employee or salesman permit issued by the Commission need not obtain a new permit hereunder until the expiration of their existing permits.